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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional):	
2002-019/PU02 0184US1	

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Date: **November 11, 2008**

Signature: Kathleen Koppen

Typed or printed name: **KATHLEEN KOPPEN**

Application Number:	Filed:
10/696,954	**October 29, 2003**
First Named Inventor: **Neil Milani**	
Art Unit: **2614**	Examiner: **PHYLESHA L. DABNEY**

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor

Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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November 11, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ form(s) is/are submitted.

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ***Milani***	)	
Serial No.: **10/696,954**	)	PATENT PENDING
Filed: **October 29, 2003**	)	Examiner: Ms. Phylesha L. Dabney
For: **Integrated Corded System Connector for a Wireless Communications Device**	)	Group Art Unit: 2614 Confirmation No.: 8494
Docket No: **2002-019**	)	

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]
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November 11, 2008 (Date) — Kathleen Koppen (Kathleen Koppen)

PRE-APPEAL BRIEF

Sir:

Applicant submits the following Pre-Appeal Brief concurrently with a Notice of Appeal. Claims 1 and 4-23 are currently pending. Claims 1 and 15 are independent and stand rejected as being anticipated by Sadler (U.S. Pat. No. 6,058,319), and also, by Hsin (U.S. Pat. No. 6,626,703). However, Sadler does not disclose every element of the claims. Nor does Hsin.

Claim 1 is directed to a peripheral accessory device for a wireless communication device (e.g., a hands-free headset) that allows a user to connect one or more additional peripheral accessory devices (e.g., an MP3 player) to the wireless device. Claim 1 appears below for convenience; however, Applicant respectfully directs the Panel's attention to Figure 1 for an illustration of the claimed invention according to one embodiment.

1. An accessory for a wireless communications device comprising:
   a first peripheral accessory device;
   a system plug that mates with a system connector on the wireless communications device;
   a cord electrically connecting the first peripheral accessory device with the system plug;
   an auxiliary system connector configured to connect a second peripheral accessory device to the wireless communications device, said auxiliary system connector being integrally formed with the cord and positioned along the cord between the system plug and the first peripheral device; and
   a switch disposed on the auxiliary system connector, and configured to selectively connect the first and second peripheral devices to the wireless communications device.

As seen in claim 1, the peripheral accessory device comprises an auxiliary system connector that is, "integrally formed with the cord and positioned along the cord between the system plug and the first peripheral device." Those of ordinary skill in the art readily understand the term "integrally formed" to mean objects that are fixedly attached to each other to form a single unit in a substantially permanent manner. Thus, as used in claim 1, the term "integrally formed" means that the auxiliary system connector and the cord are fixedly attached to one another such that they are joined together as a single unit in a substantially permanent manner.

Sadler does not disclose an auxiliary system connector that is 1) *integrally formed with a cord* and 2) positioned along the cord *between a system plug and the first peripheral device*. Sadler discloses a hands-free kit for a mobile telephone having a system plug (52). *Sadler*, Figure 1. The system plug includes a plurality of female connectors that receive plugs from a cassette tape, a microphone, and/or a CD player. The Examiner equates the Sadler system plug (52) to the claimed auxiliary system connector. However, the plugs leading from the cassette tape/microphone/CD player *releasably couple* to the system plug. Thus, in Sadler, the cord and the system plug readily separate from each other.

Two coupled objects that are specifically designed to releasably attach to one another are not fixedly attached or joined together such that they form as a single unit in a substantially permanent manner. Therefore, the plug and cord in Sadler are not "integrally formed" as

required by claim 1, and no one skilled in the art would ever believe them to be "integrally formed."

In addition, Sadler does not disclose an auxiliary system plug that is "positioned along the cord *between* the system plug and the first peripheral device." Applicant directs the Panel's attention to Figure 1 of Sadler. The system plug of Sadler is itself a plug that is independent of, and physically separate from the cord. When connected to the cord, the Sadler system plug is positioned at a terminal end of a cord. The system plug of Sadler cannot be positioned at the terminal end of a cord, and still be positioned, "along the cord and between [itself] and a peripheral device."

Accordingly, Sadler does not disclose every limitation of claim 1. Therefore, Sadler cannot anticipate claim 1 or any of its dependent claims. Niether does Hsin.

Hsin discloses a multipurpose adaptor that allows a user to connect a cellular telephone to a Universal Serial Bus (USB) port on a computer. The adaptor also includes a connector that receives a common dry-cell battery. However, the Hsin adaptor is not "integrally-formed" with a cord that connects a peripheral device to a wireless communications device as claimed. Rather, as seen in Figure 1 of Hsin, a cord (15) includes a connector (24) that releasably attaches the adaptor to a system plug (25). "Releasably attached" means that the adaptor and cord in Hsin are not fixedly attached or joined together such that they form as a single unit in a substantially permanent manner. Thus, the adaptor and cord in Hsin are not "integrally formed" as recited in claim 1.

In addition, Hsin also fails to disclose the claimed positioning for the auxiliary system connector (i.e., between a system connector and the peripheral device). Like Sadler, the adaptor in Hsin (which the Examiner equates to the claimed auxiliary system connector) is also positioned at a terminal end of a cord. Being at a terminal end of a cord necessarily prohibits the Hsin adaptor from being positioned along the cord as claimed.

Further, Hsin also does not disclose "a switch disposed on the auxiliary system connector, and configured to selectively connect ... first and second peripheral devices to the wireless communications device." Rather, Hsin discloses a switch on the adaptor that simply "controls the on/off states of a light source 22." *Hsin*, col. 2, ll. 32-33. The light source, which is an LED, is not a "peripheral device" and Hsin does not disclose that it is. Rather, Hsin discloses that the LED is part of the adaptor. The Hsin switch turns the LED on and off. *Hsin*, col. 2, ll. 21-33. It does not selectively connect first and second peripheral devices to a wireless communication device as claimed.

Therefore, in sum, both Sadler and Hsin fail to anticipate claim 1 because both fail to disclose "an auxiliary system connector ... being integrally formed with the cord and positioned along the cord between the system plug and the first peripheral device." In addition, Hsin does not disclose, "a switch disposed on the auxiliary system connector, and configured to selectively connect the first and second peripheral devices to the wireless communications device," as claimed in claim 1. Therefore, both references fail to disclose every limitation of claim 1, and thus, do not anticipate claim 1 or any of its remaining dependent claims.

The Examiner also rejected claim 15 as being anticipated by both Sadler and Hsin for the same reasons as those stated to support the rejections of claim 1. For convenience, claim 15 appears below in its entirety.

> 15. A method of connecting accessories to a wireless communications device comprising:
> connecting a first peripheral accessory device to a system connector on the wireless communications device, the first peripheral accessory device comprising a cord that interconnects the first peripheral accessory device and a system plug;
> connecting a second peripheral accessory device to an auxiliary system plug integrally formed with the cord and positioned along the cord between the system plug and the first peripheral device; and
> selectively switching between one or more signal paths that extend between the first and second peripheral accessory devices and the wireless communications device to selectively connect the first and second peripheral accessory devices to the wireless communications device.

Claim 15 is directed to a method of connecting accessories to a wireless communications device. Claim 15 recites, "connecting a second peripheral accessory device to an auxiliary system plug integrally formed with the cord and positioned along the cord between the system plug and the first peripheral device." In addition, claim 15 recites, "selectively switching between one or more signal paths that extend between the first and second peripheral accessory devices and the wireless communications device to selectively connect the first and second peripheral accessory devices to the wireless communications device." For reasons similar to those stated above with respect to claim 1, both Hsin and Sadler fail to disclose these elements, and thus, do not anticipate claim 15 or any of its dependent claims.

For at least the foregoing reasons, neither reference anticipates claims 1 and 15. Nor do they anticipate any of their respective dependent claims. Accordingly, Applicant respectfully requests that the Panel overturn the rejections.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

Dated: November 11, 2008

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